

John G. ...
25th Aug

In Chancery,

Between

Alexander Gunn,

Plaintiff.

and

Hannah Rosbotham, E. C. Abbott and Susan his wife, and Robert Rosbotham, and Rebecca Rosbotham, Thomas Rosbotham, Eliza Rosbotham, and Ann Rosbotham,

Defendants.

CITY OF LONDON, }

} To the Honourable the Judges of the Court of Chancery.

The Bill of Complaint of Alexander Gunn, of the City of London, in the County of Middlesex, Gentleman, sheweth as follows:—

1.—That under and by virtue of an Indenture of Bargain and Sale, by way of Mortgage, bearing date the 12th day of July, in the year of our Lord 1856, and made between one James Rosbotham, therein described as of the City of New York, in the United States of America, Gentleman, now deceased, of the first part, Hannah wife of the said James Rosbotham, who became a party thereto for the purpose of barring her dower, of the second part, and your orator of the third part.

Your orator is the Mortgagee of certain freehold premises therein comprised, containing by admeasurement 100 Acres, more or less, and being composed of the south-half of lot number 10, in the 11th Concession of the Township of London, in the said County of Middlesex, for securing the sum of £800 and interest thereon, payable in 10 equal annual consecutive instalments, commencing on the 22nd day of September, in the year of our Lord 1856, together with interest on the unpaid principal sum, remaining due with each instalment to be computed from the 22nd day of September, in the year of our Lord 1855.

2.—That the said Indenture was on the 6th day of February, in the year of our Lord 1857, duly registered in the Registry Office of the said County of Middlesex.

3.—That the time for payment of the whole of the said sum of £800 and interest, has elapsed.

4.—That the first two of the said annual instalments with the interest due thereon, have been paid.

5.—That no further sum has been paid on account of either principal or interest, either to your orator or to any one on his account or behalf.

6.—That your orator has been in receipt of the rents and profits of the said Mortgaged premises, for several years, but save as aforesaid, your orator has not, nor has any one on his behalf been in the occupation or possession of the said mortgaged premises, or any part thereof, or in receipt of the rents and profits thereof, or of any part thereof.

7.—That there is now justly due to your orator upon the said security, for principal the sum of £640, or thereabout, and for interest \$2500, and upwards.

8.—That the said James Rosbotham departed this life on or about the 18th day of September, in the year of our Lord 1859, intestate, leaving the defendant, Hannah Rosbotham his widow, and the defendants Susan Abbott, then Susan Rosbotham, Robert Rosbotham, Rebecca Rosbotham, Thomas Rosbotham, Eliza Rosbotham, and Ann Rosbotham, and one William Rosbotham, (who died shortly after the death of the said intestate, under age, and without ever having been married) his only children and heirs and heiresses at law, him surviving.

9.—That the defendant Susan Abbott has since the death of the said intestate, intermarried with, and she is now the wife of the defendant E. C. Abbott.

10.—That on or about the 28th day of December, in the year of our Lord 1860, letters of Administration were by the proper Court in that behalf, duly granted to the said defendant, Hannah Rosbotham, who thereupon became, and now is the legal personal representative of the said intestate.





11.—That the defendants hereto are entitled to the Equity of redemption of the said mortgaged premises.

Your orator therefore prays :—

1.—That he may be paid the said sum of £640, and interest, and the costs of this suit.

2.—And in default thereof, that the Equity of redemption of the said mortgaged premises may be foreclosed.

3.—And for the purposes aforesaid, that all proper directions may be given and accounts taken.

4.—And that your orator may have such further or other relief in the premises, as may to this Honourable Court seem meet.

5.—And your orator will ever pray, &c.

W. R. MEREDITH.